

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

February 8, 2005

IN RE:

**BELLSOUTH'S PETITION TO ESTABLISH
GENERIC DOCKET TO CONSIDER
AMENDMENTS TO INTERCONNECTION
AGREEMENTS RESULTING FROM CHANGES
OF LAW**

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**DOCKET NO.
04-00381**

**ORDER OPENING GENERIC DOCKET
AND APPOINTING A HEARING OFFICER**

This matter came before Director Deborah Taylor Tate, Director Sara Kyle and Director Ron Jones, the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on January 10, 2005 for consideration of the *Petition to Establish Generic Docket* ("Petition") filed by BellSouth Telecommunications, Inc. ("BellSouth") on October 29, 2004. In the *Petition*, BellSouth requests that the Authority institute a generic proceeding and hold evidentiary hearings to determine what changes may be required in existing interconnection agreements between BellSouth and competitive local exchange carriers in Tennessee as a result of recent decisions of the Federal Communications Commission ("FCC").

According to BellSouth, the FCC decisions have materially modified the rights and obligations of both competitive local exchange carriers ("CLECs") and incumbent local exchange carriers on many issues, including those related to unbundling of network elements under § 251 of the Telecommunications Act of 1996. BellSouth has not been able to reach agreement with the majority of CLECs on the specific amendments to their interconnection agreements that may be required due to the FCC's decisions and the associated changes of law.


BellSouth contends that the FCC's decisions will affect most interconnection agreements in the same way and that the Authority's first decision on any unresolved issue therefore may be expected to set the standard for the remaining agreements. For this reason, BellSouth asserts that a generic proceeding should benefit the CLECs, the Authority, and BellSouth by providing an opportunity for all interested persons to be heard and for the Authority to receive significant input before reaching a decision on the substantive issues.


The panel voted unanimously to open a generic docket to proceed with unresolved change-of-law issues resulting from the FCC decisions and directives, which affect interconnection agreements in Tennessee. In addition, the Directors unanimously appointed Director Deborah Taylor Tate to act as Hearing Officer in this proceeding.¹

IT IS THEREFORE ORDERED THAT:

1. A generic docket is opened to resolve change-of-law issues associated with the recent FCC decisions and orders.
2. Director Deborah Taylor Tate is appointed Hearing Officer in this matter to rule on any motions to dismiss or petitions for intervention, hear preliminary matters, set a procedural schedule to completion, and prepare the docket for a hearing on the merits, which will be conducted by the voting panel.


Deborah Taylor Tate, Director


Sara Kyle, Director


Ron Jones, Director

¹ The panel clarified the Hearing Officer's duties at the regularly scheduled January 31, 2005 Authority Conference